

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARTINEZ AYTCH,  
Plaintiff,

vs.

JAMES G. COX, *et al.*,  
Defendants.

Case No. 2:14-cv-00139-GMN-CWH

**ORDER**

This matter is before the Court on Plaintiff's Motion for the Court to Order a Conference (doc. # 22), filed October 27, 2014, and Defendants' Response, filed November 6, 2014. It appears Plaintiff is requesting that the Court enter an order governing discovery. Because the Court enters a scheduling order sua sponte within thirty (30) days after the first defendant answers or otherwise appears, this Court agrees with Defendants and finds that Plaintiff's motion is premature and unnecessary. Nevertheless, pursuant to Federal Rules of Civil Procedure 16(b) and Local Rule 16-1(b), the Court now enters the following Scheduling Order, which shall be filed and served upon the parties or their counsel.<sup>1</sup>

Based on the foregoing and good cause appearing therefore,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for the Court to Order a Conference (doc. # 22) is **denied**.

**IT IS FURTHER ORDERED** that:

1. Any and all pleadings that may be brought under Fed. R. Civ. P. 13 & 14, or joining additional parties under Fed. R. Civ. P. 19 & 20, shall be filed within **sixty (60) days** from the date of this order: **January 6, 2015**. Any party causing additional parties to be joined or brought into this

---

<sup>1</sup> When the term "counsel" is used in this Scheduling Order, it shall include any and all parties appearing pro se.

1 action shall contemporaneously therewith cause a copy of this Order to be served upon the new party  
2 or parties.

3 2. Amendments to pleadings as provided for under Fed. R. Civ. P. 15, if the same are  
4 allowed without leave of court, or motions for leave to amend, shall comply with LR 15-1 and shall  
5 be filed and served within **sixty (60) days** from the date of this order: **January 6, 2015**.

6 3. Any discovery motions shall be filed and served no later than **eighty (80) days** from the  
7 date of this order: **January 26, 2015**.

8 4. Motions for summary judgment shall comply with the requirements of LR 56-1 and  
9 shall be filed and served no later than **thirty (30) days after the close of discovery**: **March 7, 2015**.

10 5. Any motion filed beyond the time limit set by this Scheduling Order shall be stricken,  
11 unless the Court grants an exception for good cause shown.

12 6. **DISCOVERY**: Pursuant to LR 16-1(b), discovery in this action shall be completed on  
13 or before **ninety (90) days** from the date of this order: **February 5, 2015**.

14 7. **EXTENSIONS OF DISCOVERY**: Pursuant to LR 26-4, an extension of the discovery  
15 deadline will not be allowed without a showing of good cause. All motions or stipulations to extend  
16 discovery shall be received by the Court at least **twenty-one (21) days** prior to the date set for  
17 completion of discovery by this Scheduling Order, or at least **twenty-one (21) days** prior to this  
18 expiration of any extension thereof that may have been approved by the Court. The motion or  
19 stipulation shall include:

20 (a) A statement specifying the discovery completed by the parties of the date of the motion  
21 or stipulation;

22 (b) A specific description of the discovery which remains to be completed;

23 (c) The reasons why such remaining discovery was not completed within the time limit of  
24 the existing discovery deadline; and

25 (d) A proposed schedule for the completion of all remaining discovery.

26 8. In the event that the Federal Rules of Civil Procedure provide for any shorter time  
27 periods for the filing of motions or pleadings, said shorter time limits shall apply notwithstanding the  
28 time limits set forth in this Scheduling Order. Pursuant to the authority given to the Court in Fed. R.

1 Civ. P. 16(b), motions for summary judgment under Fed. R. Civ. P. 56 must be filed no later than the  
2 time provided in paragraph 4 of this order.

3 9. **PRETRIAL:** Pursuant to LR 16-3(a), the Clerk shall issue a Pretrial Notice Order five  
4 days past the date for filing motions for summary judgment or all motions for summary judgment are  
5 denied, whichever is later.

6 10. Any party who desires an amendment to this Scheduling Order shall, within **sixty (60)**  
7 **days** hereof, file and serve a statement of proposed amendments and the reasons therefor. Each other  
8 party shall have **fifteen (15) days** within which to file and serve a response thereto. After expiration  
9 of this 60-day period, any amendment of this Scheduling Order shall be granted only upon motion and  
10 good cause shown.

11 11. In all cases where a party or counsel is required to effect service hereunder, a certificate  
12 of such service shall be filed forthwith with the Clerk of the Court.

13 DATED: November 7, 2014.

14  
15   
16 **C.W. Hoffman, Jr.**  
17 **United States Magistrate Judge**  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28